

REMARKS

The Office Action dated March 24, 2005, has been received and carefully considered. In this response, claims 1, 20, 39, 58, and 60 have been amended, and claim 65 has been added. Entry of the amendments to claims 1, 20, 39, 58, and 60, and the addition of new claim 65, is respectfully requested. Reconsideration of the outstanding rejections in the present application is also respectfully requested based on the following remarks.

I. THE ANTICIPATION REJECTION OF CLAIMS 1, 13, 20-32, 39-52, 15, 34, 54, 58 AND 60-64

On page 2 of the Office Action, claims 1, 13, 20-32, 39-52, 15, 34, 54, 58 and 60-64 were rejected under 35 U.S.C. § 102() as being anticipated by Norris (U.S. Patent No. 6,105,007). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. Id. “In addition, the prior art reference must be enabling.” *Akzo N.V. v. U.S. International Trade Commission*, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), *cert. denied*, 482 U.S. 909 (1987). That is, the prior art reference must sufficiently describe the claimed invention so as to have placed the public in possession of it. *In re Donohue*, 766 F.2d 531, 533, 226 USPQ 619, 621 (Fed. Cir. 1985). “Such possession is effected if one of ordinary skill in the art could have combined the publication’s description of the invention with his own knowledge to make the claimed invention.” *Id.*

Regarding claim 1, the Examiner asserts that Norris discloses a system and method for allowing a user to of a user terminal to receive credit financing opportunities (see the abstract),

the method comprising: receiving credit data from the user terminal, the credit data including a user objective and a credit profile; determining credit financing opportunities based on the credit data and at least one predetermined decision rule; generating an output, the output including a comparison of at least part of the credit profile with the determined credit financing opportunities; and providing the output to the user terminal. The Examiner generally refers to columns 6 and 7 of Norris to support the rejections.

Although Applicants do not agree with the pending rejections, Applicants have nonetheless amended the claims to clarify the claimed systems and methods and better distinguish the cited references. In particular, Applicants have amended independent claims 1, 20, 39, 58 and 60 to further specify what is meant by “credit profile” and “credit financing opportunity” Claim 1, for example, now recites “[a] method for allowing a user of a user terminal to receive credit financing opportunities, the method comprising: receiving credit data from the user terminal, the credit data including a user objective and a credit profile, wherein the credit profile comprises at least one particular of any number of financial products held by the user; determining at least one credit financing opportunity ~~opportunities~~ based on the credit data and at least one predetermined decision rule, wherein the at least one credit financing opportunity comprises any number of financial products that meet the user objective; generating an output, the output including a comparison of at least part of the credit profile with the at least one determined credit financing opportunity; and providing the output to the user terminal.”

In contrast to the cited references, the claimed systems and methods obtain a user’s credit profile and user objective (collectively referred to as “credit data”). The credit profile may comprise at least one particular of any number of financial products held by the user. User objective, as exemplified in Figure 4, may comprise any objective(s) the user would like to meet,

such as, for example, lower interest rates, lower monthly payments, or obtain credit. Other objectives are possible. Using the credit data, the claimed systems and methods may then determine any number of financial products that meets the user's objective. Thus, given a user's current credit cards and objective to obtain a lower interest rate, the claimed system and method may offer any number of other credit cards that have an interest rate lower than the credit card currently held by the user.

Applicants respectfully submit that none of the cited references teaches or suggests such features or functionality. Norris, for example, merely discloses an automatic financial account processing system that enables a user to apply for and receive credit. Applicant has thoroughly reviewed and considered the teachings of Norris and could not identify any feature or functionality that obtains a user's credit profile or objective(s), much less that determines any number of financial products that meets the user objective(s). Accordingly, Applicants respectfully submits that each of the independent claims (i.e., claims 1, 20, 39, 58 and 60), as amended, is allowable over the Norris reference.

Claims 2-19, 21-38, 40-57, 59 and 65 are dependent upon independent claim 1, 20, 39, 58 and 60. Thus, since independent claim 1, 20, 39, 58 and 60 should be allowable as discussed above, claims 2-19, 21-38, 40-57, 59 and 65 should also be allowable at least by virtue of their dependency on independent claim 1, 20, 39, 58 or 60. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination. For example, dependent claim 65 recites "wherein the credit profile comprises at least one loan, line of credit, credit card, secured or unsecured credit, bank or provider, interest rate, outstanding balance, monthly payment, available line of credit, balance, term, and years remaining in access period." Applicant respectfully submits that none of the

cited references teaches or suggests any “credit profile,” as used in independent claim 1, that comprises at least one loan, line of credit, credit card, secured or unsecured credit, bank or provider, interest rate, outstanding balance, monthly payment, available line of credit, balance, term, and years remaining in access period.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 1, 13, 20-32, 39-52, 15, 34, 54, 58 and 60-64 be withdrawn.

II. THE OBVIOUSNESS REJECTION OF CLAIMS 14, 16-18, 33, 35-38, 53, 55-57 AND 59

On page 8 of the Office Action, claims 16-18, 35-38, 55-57 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Norris. On page 10 of the Office Action, claims 14, 33 and 53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Norris in view of LA Times, Mortgage Math Made Easy OnLine, ISBN: 04583035 (“LA Times”)¹. This rejection is hereby respectfully traversed.

As stated in MPEP § 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

¹ Applicants could not locate a copy of the LA Times article in the set of documents received from the Examiner along with the Office Action. Accordingly, Applicants respectfully request that the Examiner mail a copy of the reference along with the next office action.

Applicants respectfully submit that the obviousness rejections have been overcome by the amendments and remarks made above in connection with the anticipation rejections.

Further, regarding claims 18, 19, 37, 38, 57 and 59, Applicants respectfully submit that the Examiner has not cited any reference(s) which teach or suggest the various recitations of each. For example, the Examiner has not provided any reference or references which teach or suggest using a user's taxation rate to determine viable credit opportunities, as required by claims 18, 37 and 57. Applicants respectfully submit that it is not enough for the Examiner to merely assert that it would have been obvious to one of ordinary skill in the art to do so. *See, e.g.,* MPEP § 2143.01--to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 14, 16-18, 33, 35-38, 53, 55-57 and 59 be withdrawn.

III. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

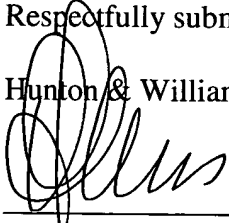
To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is
hereby made.

Please charge any shortage in fees due in connection with the filing of this paper,
including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess
fees to the same deposit account.

Respectfully submitted,

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